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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,657	11/29/2001	Yoshiyuki Terada	216363US3PCT	5657

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EXAMINER

TRA, TUYEN Q

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

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<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>09/926,657</p>	<p><b>Applicant(s)</b></p> <p>TERADA ET AL.</p>	
	<p><b>Examiner</b></p> <p>Tuyen Q Tra</p>	<p><b>Art Unit</b></p> <p>2873</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

Applicant's arguments with respect to claims 2 and 3 have been considered but are moot in view of the new grounds of rejection.

***Drawings***

1. The drawings filed on 10/16/02 are accepted by the examiner.

***Claim Objections***

2. Claim 4 is objected to because of the following informalities: Claim 4, line 9, states that "a one channel-type section". This should be "one channel-type section". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- a) Regarding claims 1 and 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 1, line 10, discloses "in such a manner as". This should be replaced with "in a manner".

Claim 2, lines 16, 17, discloses "in such a way as". This should be replaced with "in a way".

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negative by the manner in which the invention was made.

5. Claims 2, 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (U.S. Pat. 5,148,306 A) in view of Tonar et al. (US Pat. 6,064,509 A).

a) With respect to claim 2, Yamada et al. discloses a clip use with electrodes in EC device in Fig. 3 having an electrode portion in which a transparent electrically conductive film (2) serving as a first electrode, an EC film (3) to be formed on the transparent electrically conductive film, and a second electrode and reflecting film (1) to be formed on the EC film (3) are sequentially formed on a transparent substrate (10), and in which a sealing layer (9) and a protective layer (6) are provided thereon, and in which metallic clips (8a, 8b) are attached to lead-out electrodes for the first electrode (2) and the second electrode (1), wherein:

the clip (8a, 8b) is formed by providing either of a first side piece or a second side piece on both side edges of a strip-like connection plate, which is made of an electrically conductive metallic material, in a way to face each other and to be integral with each other thereby to constitute substantially a channel-type section as a whole;

the clip (8a, 8b) is contact with the sealing layer (9).

one of the first and second side pieces, which is disposed at a side of a conductive surface of metallic plate (2), of the clip is formed a planar shape; and. However, Yamada et al. does not discloses that the other of the first and second side pieces, which is disposed at a side of a substrate, includes a terminal portion thereof shaped in such a way as to be outwardly opened, and a central portion thereof formed in a convex shape in such a manner as to narrow an inner opening. Within the same field of endeavor, Tonar et al. teaches in Figure 3a and 3b the one of

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are provided thereon, and in which metallic clips (8a, 8b) are attached to lead-out electrodes for the first electrode (2) and the second electrode (1), wherein:

the clip (8a, 8b) is formed by providing either of a first side piece or a second side piece on both side edges of a strip-like connection plate, which is made of an electrically conductive metallic material, in a way to face each other and to be integral with each other thereby to constitute substantially a channel-type section as a whole;

the clip (8a, 8b) is contact with the sealing layer (9).

one of the first and second side pieces, which is disposed at a side of a conductive surface of metallic plate (2), of the clip is formed a planar shape; and. However, Yamada et al. does not discloses that the other of the first and second side pieces, which is disposed at a side of a substrate, includes a terminal portion thereof shaped in such a way as to be outwardly opened, and a central portion thereof formed in a convex shape in such a manner as to narrow an inner opening. Within the same field of endeavor, Tonar et al. teaches in Figure 3a and 3b the one of the first and second side pieces (214 Fig. 3b), which is disposed at a side of a substrate (112, Fig. 3b), includes a terminal portion (225, Fig. 3b) thereof shaped in such a way as to be outwardly opened, and a central portion (214b) formed in a convex shape in such a manner as to narrow an inner opening; first side pieces are disposed at a side of a conductive surface and include a planar portion and flap portion extending from said planar portion.

Within the same field of endeavor, Tonar et al. teaches in Figure 3a and 3b one of the first and second side pieces (214 Fig. 3b), which is disposed at a side of a substrate (112, Fig. 3b), includes a terminal portion (225, Fig. 3b) thereof shaped in such a way as to be outwardly

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opened, and a central portion (214b) formed in a convex shape in such a manner as to narrow an inner opening of the electrically conductive clip.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the EC structure with a clip including a planar at one end such as disclosed by Yamada et al., with one of the first and second side pieces, which is disposed at a side of a substrate, includes a terminal portion thereof shaped in such a way as to be outwardly opened, and a central portion formed in a convex shape in such a manner as to narrow an inner opening such as discloses by Tonar et al., for purpose of increasing workability of attaching the clip to the substrate.

- a) With respect to claim 6, Tonar et al. further discloses wherein an expanding slot is formed in each of the first and second side pieces of the clip in a direction perpendicular to a longitudinal direction thereof.
- b) With respect to claim 7, Tonar et al. further discloses wherein a terminal for an external wire connection is formed on one of the first and second side pieces.

***Allowable Subject Matter***

7. Claims 1, 4 would be allowable if rewritten in independent form to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The reason for the indication of allowable subject matter is that a central portion is formed in a protruding sharp in a manner to be bent toward an inside of the clip and to narrow at an inner opening thereof, to thereby impart an elastic property thereto disclosed in the claims is not found in the prior art.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamada et al. (JP62270925 A) disclose an EC clip in Fig. 10 with flap portion (H4) extending from a planar portion (H1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Tra whose telephone number is (703) 306-5712. The examiner can normally be reached on Monday to Thursday from 8:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps, can be reached on (703) 308-4883. The fax number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Examiner: Tuyen Tra

Date: December 19, 2002

  
Hung Xuan Dang  
Primary Examiner